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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,826	03/06/2006	Kenichi Miyoshi	009289-06115	2110
52989 7590 01/03/2011 Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006			EXAMINER MOORE JR, MICHAEL J	
			ART UNIT 2467	PAPER NUMBER
			MAIL DATE 01/03/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,826

Applicant(s)

MIYOSHI, KENICHI

Examiner

MICHAEL J. MOORE, JR.

Art Unit

2467

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22, 23 and 26 is/are allowed.
- 6) ☒ Claim(s) 24 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **24 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al. (U.S. 2004/0022237) (hereinafter "Elliott") in view of Chen et al. (U.S. 2003/0202475) (hereinafter "Chen") and LeBlanc et al. (U.S. 7,333,475) (hereinafter "LeBlanc").

Regarding claims **24 and 27**, *Elliott* teaches that a gateway site (base station apparatus) transmits IP packets which include voice (speech packets) and data traffic (normal packet) as spoken of on page 3, paragraph 30.

Elliott also teaches a data detection process to detect the media type of the call traffic (transmission packets) which includes voice and data as spoken of on page 40, paragraph 941.

Elliott does not teach "a delay section that adds a transmission delay to the speech packet transmitted on the packet channel to degrade quality of the speech packet when the detected type shows the speech packet, and that does not add a transmission delay to the normal packet transmitted on the packet channel to maintain quality of the normal packet when the detected type shows the normal packet".

However, *Chen* teaches a method of multiplexing variable rate data with data services, where RLP/data service data (normal packet) is given priority over voice (speech packet) since voice is dimmed (degradation of quality) whenever RLP data is present, which may have a negative impact on voice quality as spoken of on pages 4-5, paragraph 49. *Chen* further teaches that a dim command is issued to reduce the rate of the variable-rate data (adding of delay to degrade quality) as spoken of on page 1, paragraph 8. *Chen* further teaches that variable rate data may be voice (speech packet) and data services data/RLP data may be IP data (data) as spoken of on page 2, paragraph 28.

Elliott and *Chen* are considered analogous art in that they are both concerned with the communication of voice and data traffic over a common channel.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to apply the speech degradation teachings of *Chen* to the system of *Elliott* in order to provide flexible prioritized services and reliable communication networks by balancing the quality of variable-rate data signals while maintaining data services as spoken of on page 1, paragraph 8 of *Chen*.

Elliott and *Chen* do not teach "the detecting section detects the type based on a generation period of the transmission packet and detects the transmission packet generated in the generation period close to a speech packet encoding period, as the speech packet".

However, *LeBlanc* teaches a multiple data rate communication system where a voice encoder 82 is invoked only when digital voice samples are detected and where a

packetization interval (generation period of transmission packet) may be a multiple (close to) of an encoding interval (packet encoding period) as spoken of on column 8, lines 18-23.

Further, *LeBlanc* teaches where if the packetization interval is 10 msec and the encoder interval is 5 msec (where a frame of digital voice samples is 5 msec), then a frame containing active speech should cause the subsequent frame to be placed in the 10 msec packet regardless of the VAD state during that subsequent frame (detection of transmission packet close to a speech packet encoding period as a speech packet) as spoken of on column 8, lines 23-28.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to apply the voice detection teachings of *LeBlanc* to the combination of *Elliott* and *Chen* in order to efficiently determine when to invoke voice encoding based upon both an encoding interval and packetization interval as spoken of on column 8, lines 18-31 of *LeBlanc*.

Allowable Subject Matter

3. Claims **22, 23, and 26** are allowable over the prior art of record.
4. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims **22, 23, and 26**, these claims are allowable for the reasons indicated in the previous Office Action.

Response to Arguments

5. Applicant's arguments with respect to claims **24 and 27** have been considered but are moot in view of the new ground(s) of rejection provided above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. MOORE, JR., whose telephone number is (571)272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached at (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J. Moore, Jr./
Primary Examiner, Art Unit 2467

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